UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/Sub.2/1995/SR.16
18 August 1995

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND
PROTECTION OF MINORITIES

Forty-seventh session

SUMMARY RECORD OF THE 16th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 11 August 1995, at 10 a.m.

Chairman: Mr. MAXIM

later: Mr. HAKIM

later: Mr. MAXIM

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The meeting was called to order at 10.15 a.m.

PROTECTION OF MINORITIES (agenda item 17) (continued) (E/CN.4/Sub.2/1995/33 and Add.1-2, 34 and 40; E/CN.4/Sub.2/1995/NGO 13-15)

Statement equivalent to a right of reply

1. Mrs. LEVY-FURMAN (Observer for Israel) noted that in the debate on agenda item 17 statements had been made about the living conditions of certain Israeli Arabs. There might be a certain validity in some of the arguments used, but some of the assertions were grossly exaggerated, if not simply wrong. For example, it was absurd to suggest that the 850,000 Israeli Arabs, Druze and Circassians who constituted almost 20 per cent of Israel's population were a forgotten minority. They were in fact fully-fledged citizens of Israel with equal rights protected by law. They had representatives in the Knesset and their votes were crucial in affecting vital affairs of the State. Similarly, it did not make sense to complain about health conditions among Israeli Arabs when their conditions were the best among the Arab populations of the Middle East. It was intentionally misleading to suggest that the Arab population could not make use of roads in Israel and that the building of a major and necessary trunk road in Israel was aimed at displacing Arab farmers. Likewise, it was wrong to ignore the fact that zoning laws regulating land usage bore equally upon the whole population of Israel and that buildings constructed illegally by Jews were demolished by the authorities, causing the same pain and anger to the perpetrators.

2. No one would deny that over the years discrepancies had developed in the living standards of various groups in Israel, including the Arab population. In the case of certain elements within the Arab sector, those discrepancies arose in particular because they related to rural or nomadic societies which had begun from a reduced social and economic base. Those problems, including the growing gap between agricultural and urban societies, were by no means unique in the Middle East.

3. It was unfair and tendentious to ignore completely the fact that in recent years the Government of Israel had recognized those problems and had adopted a policy of affirmative action, backed up with large increases in the budgets set aside for the Arab community in such spheres as education, housing, welfare, the environment and the campaign against drugs. As far as living conditions were concerned, it should be remembered that the majority of the Arab population had originally been spread over peripheral villages. It had had a population growth rate of 3 per cent, effectively multiplying four times in number over 40 years while the development of its infrastructure and services had not been able to keep pace. Housing units had been built regardless of access to roads and water. A tradition of modern municipal management had been lacking, and requisite professional qualifications had not always been available to steer the people concerned in the right direction.

4. The changeover from a nomadic existence to a sedentary society presented special problems in Israel, as it did in every other country of the Middle East. To suggest that Israel was ignoring those problems was foolish. Between 1992 and 1994 the budget of the Ministry of the Interior for the population groups concerned had been increased by 110 per cent. Parallel and

sometimes greater increases had been made in the budgets of the Ministries of Education, Housing, Transport, Environment, Agriculture, Trade and Industry, and Religious Affairs. Much depended on the skill and efficiency which officials at the local level, together with members of the private sector among the Arab population, brought to bear on the funds and assistance now being made available. She wished that the Jewish minorities in certain Arab countries could enjoy the same rights and have the same privileges and opportunities as the Arab citizens of Israel. If the Israeli Arab community was interested in concrete achievements, its best line of action would be to continue to make full use of all the avenues open to it in Israel's democratic society and to work through the Knesset, the legal system, non-governmental organizations (NGOs) and community pressure groups. There were Israeli Jews willing to help, and by working together they could achieve tangible results.

INTERNATIONAL PEACE AND SECURITY AS AN ESSENTIAL CONDITION FOR THE ENJOYMENT OF HUMAN RIGHTS, ABOVE ALL THE RIGHT TO LIFE (agenda item 13) (E/CN.4/Sub.2/1994/29; E/CN.4/Sub.2/1991/32)

5. Mr. BENGOA said that there was a very close relationship between the maintenance of peace and the full enjoyment of human rights, particularly of the right to life. It therefore seemed appropriate to draw attention to the problem existing in the Pacific area. His own country had a coastline of over 4,000 kilometres on the Pacific Ocean, and it was greatly concerned about the French Government's decision to renew nuclear testing at the Mururoa atoll. In many countries of the Pacific region, criticism had led to large demonstrations. No one could really understand the reasons put forward to justify the testing; since it had appeared that the end of the cold war would contribute to massive, immediate and definitive nuclear disarmament. The tests, if they took place, would bring fear, anxiety and even panic to many civilian populations. No one knew what their consequences would be and no one could guarantee that the health of the populations of the area would not be affected or that the environment on which their economies depended would remain unharmed. The peoples concerned were also asking by what right, at the end of the twentieth century, such tests were being held far from the territory of France, without the affected population ever being consulted, and why such tests were being renewed at a time when the world was becoming increasingly aware of the collective need to protect the planet. The situation was particularly unfortunate at a moment when the world had just commemorated the events at Hiroshima and Nagasaki 50 years previously.

6. The Sub-Commission had a duty to consider the consequences which the tests could have for human rights. Many indigenous populations lived in the area in question. The human rights of members of the Rapa Nui community on Easter Island were being violated, their peace and security were being threatened, and their right to life was being called into question. They, like their brothers in Polynesia, the Maoris and many coastal indigenous peoples, lived from fishing. Who could assure them that the sources of their subsistence would not be threatened, that they would not have health problems in future, or that their right to life was fully secured? In 1994 the Sub-Commission had unanimously adopted the draft United Nations declaration on the rights of indigenous peoples, which clearly stated the need to prevent the militarization of areas inhabited by indigenous peoples and to avoid testing highly destructive weapons in them.

7. Together with other members of the Sub-Commission, he had prepared a draft resolution condemning the nuclear tests and calling for the cessation of all such tests, since they seriously endangered life and threatened human rights. In the draft resolution the Commission on Human Rights was requested to appoint a special rapporteur to study and report on the effects of such tests on the civilian population and indigenous peoples. The fear which the mere announcement of the tests had caused in the Pacific was a source of great concern and a threat to the tranquillity and way of life of the persons affected. The appointment of a rapporteur had been requested by many indigenous groups in Polynesia, who would see in it a gesture of solidarity on the part of the international community. The topic had been explicitly raised at the recent meeting of the Working Group on Indigenous Populations by many delegations of indigenous peoples from the Pacific. The Sub-Commission, one of whose purposes was the "protection of minorities" had a duty to take a stand on such an issue.

8. Mrs. PALLEY said that while she supported Mr. Bengoa, she did not think it right to single out only one country. The draft resolution ought to contain a preambular paragraph recalling the tragic suffering inflicted by nuclear explosions at an earlier date on people in the Pacific area, in China, in the United States of America, in central Russia, and in Australia. A reference should also be made to other recent tests, such as those carried out by China. If that were done, she could support the draft resolution.

9. Mr. YIMER pointed out that, since the draft resolution had not yet been introduced, it would be inappropriate for the Sub-Commission to deal with it at the present stage.

CONTEMPORARY FORMS OF SLAVERY (agenda item 15)
(E/CN.4/Sub.2/1995/28 and Add.1; E/CN.4/Sub.2/1995/29 and Add.1;
E/CN.4/Sub.2/1995/38-39; E/CN.4/Sub.2/1995/NGO/14; E/CN.4/1995/100;
E/CN.4/1994/71 and Add.1; E/CN.4/1993/58 and Add.1)

PROMOTION, PROTECTION AND RESTORATION OF HUMAN RIGHTS AT NATIONAL, REGIONAL AND INTERNATIONAL LEVELS:

(a) PREVENTION OF DISCRIMINATION AND PROTECTION OF CHILDREN: HUMAN RIGHTS AND YOUTH

(b) HUMAN RIGHTS AND DISABILITY (agenda item 16) (E/CN.4/Sub.2/1995/30 and Add.1; E/CN.4/Sub.2/1995/31 and 42; E/CN.4/Sub.2/1994/35)

10. Mr. GUISSÉ said that, despite the entry into force of the Convention on the Rights of the Child, children were still living in poverty and their rights were unprotected. In the developing countries children, like adults, struggled to obtain their daily bread. The worst situation was that of street children, who had to live in the street because they had no other means of support, adult society having declined to comply with its responsibilities towards them. The children concerned were often at risk or in conflict with the law and in some cities were threatened by death squads. They were

sometimes vilely used by adults in activities such as drug trafficking. When they grew up they often became violent criminals, acting towards society in the way in which society had acted towards them.

11. Different societies used different means to deal with children in conflict with the law. Generally they were below the standards of the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty. In all such circumstances, the best interests of the child should be borne in mind. For example, special police squads staffed by men and women having competence in education, health and social welfare and combining speed and efficiency could be established to deal with offences committed by minors. Also, juveniles courts should be strengthened by the presence of specialist educators and should function in close collaboration with the child's family so as to avoid any deviation and to protect the child's personality. Where a child's parents were involved in divorce proceedings involving the division of property and custody of children, appropriate inquiries should be made by specialist personnel. In any case, the best interests of the child should be borne in mind by all those responsible for protecting the rights and persons of children.

12. Minors sentenced to imprisonment should be provided with special protection. They should be separated from adults and should enjoy ample opportunities to be visited by family members and to obtain, in prison, an education or training that would permit them to find a better place in society. The Beijing Rules indicated that justice should aim at securing the welfare of minors and that reactions to juvenile delinquency should always be consistent with the circumstances of the offence and the personality of the offender. When an adolescent was in conflict with the law, the assistance provided to him should last as long as possible, up to 21 or 25 years of age. In addition, the person legally responsible for him should be able to apply for a rectification of the measures taken against him.

13. There were encouraging reports that fewer minors were being sentenced to death. He hoped that one day the minimum age for the imposition of the death penalty would be raised to 21 or 25 years and that the minimum age for enrolment in the armed forces would be raised.

14. The conditions in which children worked were sometimes close to slavery. Governments and the United Nations must take joint action to put an end to the shameful exploitation of children by unscrupulous adults. Finally, since birth control programmes sometimes had the effect of discriminating against girls, it was particularly important to ensure that the protection provided by the Convention was afforded to both boys and girls.

15. Mrs. FORERO UCROS, commenting on Mr. Guissé's reference to the use of children in organized crime, said that particular attention should be paid to child pornography, which should be stopped. Advanced countries could afford to adopt stricter measures, since economic pressures were less. The possession of child pornography should also be punished.

16. Mr. LINDGREN ALVES said that the persistence of disguised forms of slavery clearly showed that mankind had evolved very little in the social sphere. He had been unable to attend the meeting of the Working Group on

Contemporary Forms of Slavery held in April 1995, but he had read its report. Given the importance of contemporary forms of slavery, he recognized that the Working Group did relevant work but considered that its focus was not adequate. In fact, dispersion and lack of focus permeated the whole of the Sub-Commission's work, which still required further rationalization.

17. The Working Group's attention to bonded and forced labour, together with the work performed in that connection by ILO, was fundamental, since bonded and forced labour were the most obvious forms of disguised slavery at the present time and every effort to combat and prevent them was laudable and should be strengthened. No doubt such practices could be effectively eliminated only with an overall improvement in economic conditions. However, by disseminating information on them and thereby raising international conscientiousness, the Working Group and the Sub-Commission could contribute to their eradication.

18. The attention paid by the Working Group to the exploitation of child labour, to trafficking in children and to the use of children for sexual activities by adults, whether for commercial purposes or as a result of unacceptable traditional systems was also very important. It should be recalled that the Vienna Declaration and Programme of Action, when acknowledging the importance of different cultures, religions and traditions, clearly stated that no cultural argument could justify the violation of human rights, which were universal.

19. He had certain doubts regarding the validity of the Working Group's discussions and suggestions on the subject of prostitution. On practical grounds, it was totally unrealistic to suppose that the Sub-Commission could take any effective action to combat a phenomenon that had been present in the world since time immemorial. Though most countries condemned the exploitation of prostitution by third parties, the practice itself was not always considered a crime and, contrary to what had been stated by the International Abolitionist Federation, prostitution did not necessarily constitute a violation of human rights. Having been in charge of the Brazilian preparations for the Fourth World Conference on Women, he had already been approached by organizations of prostitutes who had appealed to him to report to the Conference their concern about some European mafias which had been hiring Brazilian prostitutes for work in their countries and which in the end tended to keep them in conditions of slavery. That was the kind of crime with which the Sub-Commission should be concerned, not adult prostitution itself.

20. He also had doubts regarding the way in which the question of the illegal sale of organs had been dealt with. In spite of all the attention dedicated to the matter by INTERPOL, national police forces and NGOs, so far no proof had been provided of the existence of such practices. In any case, if their existence was confirmed, they would be abominable crimes but not precisely a contemporary form of slavery.

21. He therefore had doubts regarding the draft programme of action on the traffic in persons and the exploitation of the prostitution of others (E/CN.4/Sub.2/1995/28/Add.1) submitted to the Sub-Commission by the Working Group on Contemporary Forms of Slavery. If it was adopted as it stood, the

Centre for Human Rights would be given one more unrealistic function - that of coordinating the implementation of a programme that could not be implemented.

22. Realizing that it was not usual for experts of the Sub-Commission to criticize the work of one of its subsidiary bodies, he wished to reiterate his support for the main thrust of the work performed by the Working Group on Contemporary Forms of Slavery. He also wished to express his appreciation of the working paper prepared by Mrs. Chavez on the situation of systematic rape, sexual slavery and slavery-like practices during wartime, including internal armed conflict (E/CN.4/Sub.2/1995/38) and fully supported her suggestions and guidelines for the development of that study.

23. Mrs. GWANMESIA said that she was shocked by the statement of the previous speaker for whom there appeared to be nothing wrong with prostitution. For herself and many others, prostitution was a form of slavery and in complete contradiction to article 1 of the Universal Declaration of Human Rights which had stipulated that all human beings were born free and equal in dignity and rights.

24. The previous speaker might not find anything wrong with prostitution; nevertheless in criminal law prostitution was a crime and was equally punishable in the case of male prostitution. If the dignity of the human being was to be respected the human person should not be sold for money. Equality in cohabitation meant that everybody should try to live in dignity and to respect the dignity of others.

25. Mrs. WARZAZI strongly supported Mrs. Gwanmesia. In that connection, she invited the attention of the Sub-Commission to the International Herald Tribune of 7 July 1995 which had reported that in Sweden, long known for its sexual licence, pressure was growing to outlaw prostitution and all other forms of sexual commerce. A recent government report had demanded the criminalization of prostitutes and their clients, as well as the directors, actors, vendors and buyers of pornographic films and photos. The criminalization campaign, backed by many feminists, was also supported by law officers.

26. Mr. SHIN (Commission of the Churches on International Affairs of the World Council of Churches), speaking on item 15, said that the Japanese people too often forgot that they had forcibly taken millions of Koreans as soldiers, forced labourers and sex slaves. As a result of the bombing of Hiroshima and Nagasaki, 100,000 innocent Koreans had also been victims including half of whom had died. Of the other half, 43,000 had returned to Korea and 7,000 had remained in Japan. Unlike the Japanese victims of the atomic bomb, the Korean victims had received no proper medical treatment or financial support.

27. The World Council of Churches welcomed the decision of the Working Group on Contemporary Forms of Slavery to continue its discussion on the issue of wartime sexual slavery at its twenty-first session and its call for the prompt establishment of a Japanese administrative tribunal to deal with persons who had suffered maltreatment, in particular treatment akin to slavery.

28. The World Council of Churches also appreciated the report of Mrs. Chavez (E/CN.4/Sub.2/1995/38) on her mission to Manila, Seoul and

Tokyo to investigate the situation of systematic rape, sexual slavery and slavery-like practices during wartime. It hoped that the questions she had raised would be further explored. She also looked forward to the report of Ms. Coomaraswamy, Special Rapporteur on violence against women, who had visited Seoul and Tokyo and had met victims of sexual slavery and concerned organizations, including government officials.

29. Her organization also appreciated the gradual changes in the attitude of the Government of Japan towards the issue of military sexual slavery noted in August 1993, when Japan had officially acknowledged, in its second report on the issue, that the comfort women had been forcibly recruited. After a two-year consideration of how to express its remorse, the Japanese Government in 1995 had announced the Peace, Friendship and Exchange Initiative which provided support for historical research and exchange programmes to promote dialogue and mutual understanding. The initiative was, however, insufficient finally to resolve the issue related to victims of sexual slavery to which in fact it devoted very little attention. On the issue of compensation, the Government of Japan had suggested a one-time payment to the victims out of funds collected from private sources, but without using the term compensation. The key point was the continuing avoidance of State responsibility. The Japanese Government argued that, although Japan was sorry for the victims, its responsibility had been legally settled in bilateral treaties. The victims and organizations representing them claimed however that Japan still had legal responsibility under international human rights law and had suggested that the issue be brought to the Permanent Court of Arbitration; Japan however had refused.

30. The victims had made it clear to Mrs. Chavez and Ms. Coomaraswamy that they objected to the proposed payment, no matter how desperate their financial situation. They were seeking to regain their honour and human dignity which could be restored only when the State of Japan assumed full legal responsibility publicly for the crimes committed.

31. Ms. SPALDING (International Association of Lawyers against Nuclear Arms), speaking on item 16, said that her organization believed that the ongoing arms race, and particularly the nuclear arms race, was adversely affecting the health, economic well-being and security of humanity; in that connection she drew the attention of the Sub-Commission to General Comment 14 (23) of the Human Rights Committee on article 6 of the International Covenant on Civil and Political Rights.

32. At the recent Non-Proliferation Treaty Review and Extension Conference, the nuclear States had committed themselves to achieving a comprehensive test-ban treaty by 1996 and until then to exercise utmost restraint. In violation of that commitment and notwithstanding universal opposition, China had tested a nuclear weapon in May 1995 and France had announced the resumption of nuclear testing in September of the same year. The French announcement was made more deplorable by the fact that France planned to continue detonating its bombs, not on mainland France, but under an atoll in the South Pacific. That was opposed by all the South Pacific States and by the leader of French Polynesia itself, the overseas territory in which the testing was planned.

33. Underground testing created vast quantities of radioactive waste. Some of the waste from previous tests had already leaked through venting. The Atkinson scientific team which had visited Mururoa in 1983 had reported levels of radioactive tritium at 1,000 times expected levels as well as high levels of radioactive iodine. Both the Atkinson and Cousteau teams had reported high levels of plutonium in the air. According to the geological model by Hochstein and O'Sullivan, much larger quantities of radioactive waste would leach out within 50 years.

34. The Centre of Volcanic Research in France had reported the danger that further underground testing could destabilize the underwater Mururoa volcano, leading to a total collapse of the underground craters currently holding the radioactive waste. The recent emergence of two new islands in the South Pacific as a result of volcanic activity indicated the seriousness of that possibility. France was creating unacceptable health risks for the people of the Pacific and should not be allowed to resume testing there. Her organization supported all efforts to prevent a resumption of French testing, including the boycott of French products.

35. She would also like to invite the attention of the Sub-Commission to the forthcoming International Court of Justice cases brought by the World Health Organization and the United Nations General Assembly on the legality of the threat or use of nuclear weapons. The Court had received submissions on those cases from 42 countries and had announced that oral hearings would begin on 30 October 1995.

36. The International Association of Lawyers against Nuclear Arms believed that it was criminal for a small select group of countries to hold the rest of the world to ransom with their continuing threat to use nuclear weapons. It asked the Sub-Commission to support the two cases in the International Court of Justice.

37. Ms. PARES (Pax Romana), speaking under item 15 on the involvement of children in armed conflicts, said that the consequences, both physical and mental, suffered by a child who had been involved at any level in an armed conflict were so important that it would not be able to rid itself of the trauma.

38. In a recent seminar in Stockholm, UNICEF had estimated that wars during the 1980s had taken the following toll of children: 1.5 million deaths, 4 million severely wounded or incapacitated, 5 million refugees, 12 million homeless and 10 million with severe psychological trauma.

39. The international community had already taken some steps to alleviate the situation. The first had been the massive ratification of the Convention on the Rights of the Child, although there were still significant absences. As at 31 December 1994 countries such as the Netherlands and Switzerland had not ratified the Convention and other countries had not even signed it. The Commission on Human Rights had set up a working group for the purpose of elaborating, as a matter of priority, a draft optional protocol on the involvement of children in armed conflicts to the Convention on the Rights of the Child. She hoped that the working group would approve the draft optional protocol at its forthcoming meeting in October 1995.

40. As regards the protocol itself, Pax Romana wished to stress the absolute need to raise the minium age-limit for the involvement of a child in an armed conflict to 18 years of age. There should be no exception to that rule in article 1.

41. The draft optional protocol made a distinction, which her organization considered to be unreal, between direct and indirect participation in armed conflicts. In its comments on the preliminary draft optional protocol, the Committee on the Rights of the Child had pointed out that the involvement of children in military activities below the age of 18 seemed to contradict the basic principles of the Convention contained in articles 3 and 6. Furthermore, there was a complete lack of preventive measures and her organization was convinced that the best way to help children was through preventive measures. Those who were trapped in the middle of an armed conflict must be assisted, given medical attention, shelter and care. When the conflict was over there would be a great need for international cooperation, in conjunction with local powers, in order to rebuild all primary structures such as schools and hospitals which had been destroyed during the war. Human beings, children in particular, had to be assisted to learn to live with the memories, pains and probable scars or mutilations and with the loss of so many relatives and friends killed.

42. Her organization totally supported the need to recognize refugee status for those children escaping abroad from an armed conflict and to guarantee their protection. It also considered that there should be no reservations to the optional protocol, as stated in the first version of article 4 in the draft. The issue of the draft optional protocol should be considered in the Commission's fifty-second session as a matter of the highest priority.

43. Ms. SPALDING (Indigenous World Association), speaking under item 16, said that, on 14 July 1995, a group of indigenous and other peoples concerned with the consequences of the nuclear age, had travelled from Chimayo, New Mexico - a sacred place known for miraculous healings of the sick - to a "listening circle" at Fuller Lodge in Los Alamos where the scientists working on the atomic bomb project had met many years before. The group had been invited to move past the horror and enormity of the consequences of the nuclear age and to work towards prevention of an increase in the risk to global health and well-being.

44. Yoshinori Tsukishita, who, as one of the youngest Hibakusha to survive the Hiroshima happenings in 1945, had travelled from Hiroshima to New Mexico as part of the Atomic Mirror Pilgrimage, a pilgrimage for peace, had addressed the group. Referring to Pope John-Paul II's Appeal for Peace from Hiroshima, Yoshinori Tsukishita had stressed that there would be no hope for the future of the earth unless an end was put to the unhappy human history of deplorable killings and atrocities. There must at least be sincere reflection on the past by the people of the generation that should feel responsibility for it. That would not come about from bitterness and recrimination by unhappy people, but from prayer for peace. Prayer arising from a great love was the departure point of peace and was the task of, above all, the victims of war as well as of religious people who knew what prayer was. For him, not killing others and not destroying nature was the highest form of culture and civilization, surpassing every kind of technology.

45. The thoughts of people must be concentrated on wisdom and life and on building peace of the body and peace of the heart. The year 1995, 50 years after the atomic bombing, must be made an occasion that humankind would come to be proud of.

46. A solution to the global crisis, in which so many complicated issues were involved, must be cultivated not only with technical means but by gathering a broad wisdom that incorporated all aspects of the problem and in the spirit of the guileless child, confident in its mother's love. What was important, even before concrete steps were taken, was an awareness on the part of each person that one was a citizen of the earth. There must also be the will to work together while recognizing the differences that existed between people throughout the world and finally one, sustainable, cooperative economy that was in harmony with all of those elements must be built.

47. Yoshinori Tsukishita had concluded by emphasizing that building the peace of the earth, together with the spirits of the dead, was the mission of Hiroshima and his responsibility as a human being and Hibakusha.

48. In memory of those children who had died of leukaemia after Hiroshima and after the 1982 testing in the South Pacific, the world must do its utmost to create other means of solving its challenges than by disabling and killing its children.

49. Mr. KOHLI (International Institute for Non-Aligned Studies), speaking under item 16, said that child labour, in the 5 to 14 year age group, had existed in one form or another since time immemorial. The problem had recently become significantly more acute in the developing world than in the developed nations.

50. Economic compulsions, uncertainty regarding the future making it urgently necessary to learn practical skills early in life, lack of proper education on the part of the parents, the exploitation of cheap child labour by vested interests and lack of alternatives in life for the poor constituted the most significant factors leading to child labour. Children were in the main engaged as additional help, either at home or in agriculture, business or industrial work. Their employment supplemented the family income or made it possible to acquire the technical know-how by doing odd jobs so that proficiency could be achieved in some trade or vocation at an early age.

51. Whatever might be the conditions leading to children seeking employment, it would seem that they frequently worked in conditions detrimental to their health, welfare and development. The perception of child labour as a social problem had accordingly become an important feature of welfare consciousness. The declaration of the year 1979 as the International Year of the Child had brought about a global awakening regarding the rights of children.

52. India was said to have the largest number of working children in the world. According to an ILO report, Pakistan was a country of slaves with 20 million bonded labourers including 7.5 million children. The Bonded Labour Liberation Front of Pakistan had stated that over a million Afghan children below the age of 10 years worked 12 hours a day in workshops and factories in very exploitative conditions. In Sri Lanka one in every five children in the

age group of 10 to 14 years did not attend school because of child labour practices. Women and child prostitution was rampant in Nepal; 17,000 young girls had been offered to temples in west Nepal to serve as religious slave prostitutes. Overall, 100 million children in south Asia were in difficult circumstances.

53. The report entitled Still So Far To Go: Child Labour in the World Today published by the International Labour Organization in 1989 had identified agriculture, the urban informal sector and domestic service as the three areas in which child labourers were seriously exploited.

54. The urban informal sector generally covered relatively small enterprises which typically were exempted from or not covered by regulations applicable to enterprises in the organized sector. Child domestic servants were the most vulnerable and exploited of all and the most difficult to protect. That was particularly true of those who lived in the homes of their employers. Domestic servants were open to abuse because of their age, gender, invisibility, total dependence on their employers and often their lack of familiarity with the world beyond the doorstep.

55. In the urban areas, child workers remained concentrated in domestic services and in informal sectors such as construction work, motorized two-wheeler service units, hotel and tea stalls, etc. because they were mostly hidden from public scrutiny. The abuse of child labour depended greatly on the invisibility of its victims; employers often enclosed their child workers in a tight veil of secrecy and of isolation.

56. Child labour had been studied by various governmental committees in India. The Committee on Child Labour (1979) had recommended a ban on the employment of children. The Government had not however accepted that recommendation, possibly due to the recognition that child labour was an inevitable by-product of poverty.

57. The fact remained that a child worker was like any other child in society who needed to be protected and nurtured. The child of today was the citizen of tomorrow on whose capabilities the future of the nation depended. Child care and protection were accordingly the primary concerns of any society. Parents played an important role in the socialization and development of the child. It had been found that the social class background of the parent had an influence on the nature of child treatment in the family. The most direct result of poverty was child neglect. The inability of parents to provide sufficient food, clothing and shelter to their children often resulted in physical neglect and emotional deprivation.

58. The International Institute for Non-Aligned Studies urged the Sub-Commission to ask all Governments, particularly in south Asia, to ban child labour with immediate effect and to organize a comprehensive social welfare/rehabilitation programme for child workers. The United Nations and its agencies should help Governments and NGOs, technically and financially, in programmes for the rehabilitation of the affected children and mass awareness programmes should be organized on the ill effects of child labour with a view to generating the political will to ban child labour.

59. Ms. AULA (Pax Christi International), speaking on item 15, said that between 80 and 110 million mines had contaminated 64 countries; they claimed 500 victims a week and were a daily threat to civilians, particularly to children, during and after wars.

60. According to UNICEF data, in Cambodia about 10 million mines had not been neutralized; that meant two mines for every child living in that country. Among newly amputated children, about one in five was less than 16 and about 20 per cent of children victims of anti-personnel mines died before reaching a hospital. During the first four months of 1995, explosions of mines had killed 55 children in the province of Batambang alone; three quarters of injured soldiers had not yet reached the age of 20 and 43 per cent were between 10 and 16 years of age.

61. In Afghanistan, about 10 million anti-personnel mines had been laid since 1979, representing about 10 per cent of all the mines in the world. To that must be added between 50 and 100 million mines as yet unexploded. UNICEF considered that about 460 square kilometres had been mined, 17 in Kaboul itself; since 1989 only 54 square kilometres had been cleared. Between 20 and 30 per cent of the victims had been children of less than 16.

62. Children were especially vulnerable to mines for a number of reasons and the ratio of deaths to injuries in mine accidents was significantly higher in comparison with adults. Children were less able than adults to withstand the loss of blood that resulted from land-mine injuries and because of their natural curiosity they were at special risk as they often mistook mines for toys. In northern Iraq children used mines as wheels for toy trucks. In Cambodia they played bowls with B-40 anti-personnel mines while in Afghanistan they competed in throwing stones at PEM-1 butterfly mines, the winner being the child whose stone caused it to explode.

63. It was clear that during the next 10 years civilian and child victims would increase. Despite the high-level international meeting held in Geneva at the beginning of July 1995, it was to be regretted that funds available for demining and rehabilitation programmes were very inadequate.

64. Pax Christi International was convinced that States such as the United Kingdom, Italy, France, the United States of America, the Russian Federation and China were following a policy of hypocrisy by pretending on the one hand to protect the lives of children through discussions and international forums while on the other hand they opposed a total ban on anti-personnel mines or allowed the ongoing national production and export of such weapons.

65. Pax Christi International, in conjunction with the international campaign to ban land mines, called for a total ban on the production, stockpiling, trade, transfer and use of land mines. It welcomed the results obtained by the land-mines campaign in Belgium which had succeeded in convincing the Belgian Parliament to ban them. Pax Christi International was also pleased by the statements delivered by the Council of Ministers of the Organization of African Unity on 23 June 1995 and by the European Parliament on 29 June 1995 supporting a total ban on the manufacture and use of anti-personnel mines.

66. Despite such developments, international law had failed to prevent widespread civilian casualties caused by land mines. The failure of the 1977 Protocols Additional to the Geneva Conventions of 1949 and the United Nations Convention on the Prohibition and Restriction of the Use of Certain Conventional Weapons, 1980, reinforced the need for the total abolition of the use, production, stockpiling, sale, transfer or export of land mines.

67. Pax Christi International urged the participants in the Review Conference of the States Parties to the Convention on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects, to take place in Vienna in September/October 1995, to press as an absolute minimum and as a step towards a total ban, for the expansion of the scope of the Convention to cover all conflicts and to include verification measures as well as more frequent automatic reviews.

68. Blinding laser weapons had become a serious threat to civilians and in particular to children. Her organization was very concerned about Chinese sales of blinding laser weapons and the recent United States decision to start the production of a prototype of such a weapon.

69. In conclusion, she urged the Sub-Commission to take appropriate action as a clear commitment to ban anti-personnel mines and blinding laser weapons.

70. Mr. ESPINOSA (World University Service and International Organization for the Development of Freedom of Education), speaking on agenda item 16, said that both the organizations he represented were working to promote, protect and restore human rights through education, and in a general way, to ensure that economic, social and cultural rights were given the proper place in national, regional and international negotiations. The undeniable interdependence of those and all other rights was fortunately being given increasing recognition.

71. Another major concern of the two organizations was to provide training in human rights, which could then be passed on to others in turn. It was deplorable, for instance, that in the current communications age, there was a general unawareness of existing human rights tools and procedures; and that so many of the world's people were completely unaware of their rights and obligations in that respect. Human rights education was slighted in the regular curricula, and must be given much more prominence in education, as urged both in the Declaration and Programme of Action of the 1993 World Conference on Human Rights and in the Declaration of the forty-fourth International Conference on Education held in Geneva in 1994. The General Assembly had, indeed, declared 1994-2005 as the United Nations Decade for Human Rights Education, to enable the principles of the various human rights instruments to be put into practice. Training in human rights was indispensable to the formation of the human rights culture which the international community was advocating; education as a tool for development and a fundamental component of human rights would be a prerequisite.

72. Acting on that premise, the two organizations he represented had just established in Geneva, which was the world capital for human rights, the first Human Rights University, to provide the kind of advanced training in historical, political, legal, sociological, and cultural issues that had

become so necessary to international negotiations. The University's goal would be to further the objectives and programmes of the Plan of Action for the United Nations Decade for Human Rights Education, provide the kind of training just referred to, offering a specialization in the right to education, and hold an annual training programme in the field. At the moment, 37 students from 30 countries were receiving advanced theoretical and practical training leading to a diploma, from 30 professors who were specialists in human rights. Part of their course was to participate in the work of the Sub-Commission and the Committee on the Elimination of Racial Discrimination, with support from the Centre for Human Rights. They were also receiving practical training from the International Bureau of Education. The Sub-Commission and the Commission, in particular, should make human rights education a central concern of the United Nations system.

73. Ms. SACKSTEIN (International Abolitionist Federation (IAF)), speaking with reference to agenda item 15 and with the endorsement of the International Alliance of Women, the International Federation of Social Workers and the International Federation of University Women, said that she wished to clarify for Mr. Lindgren Alves that her statement in the Working Group on Contemporary Forms of Slavery had not meant to be quite as sweeping as he had understood but was to be taken in the context of traffic in persons and the exploitation of prostitution.

74. The draft programme of action on the traffic in persons and the exploitation of the prostitution of others (E/CN.4/Sub.2/1995/28/Add.1) was an extremely helpful document offering a practical framework for a more comprehensive approach to combating what was a highly sophisticated industry. The traffic in persons and all related activities such as pornography were only branches of a huge multinational crime network, linked to drugs, arms, money laundering and the like. It was not an ordinary trade, and women caught in its trap of servitude needed to be protected by much more than social security and health benefits. A recent in-depth parliamentary inquiry in Belgium had been revelatory regarding the transnational ramifications of the lucrative sex industry, which for some Governments constituted a sizeable proportion of their national product and perhaps explained the lack of enthusiasm for an international instrument to curb the trade.

75. Society was justifiably horrified at the media reports on the traffic in children, and the international community had successfully aroused public opinion. Yet traffickers dealing with children tended to be the same as those dealing with adults, and thus the more general issue of trafficking in persons had first to be addressed.

76. Much of the language of the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others was archaic, and inadequate for the ills of the twenty-first century. Although it nevertheless remained a good instrument, the Sub-Commission should consider undertaking a re-examination of the Convention. The report of the ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (A/CONF.169/16) contained many detailed and essential recommendations for dealing with organized transnational crimes, and could provide the framework for such a revision. The conditions that the traffic in question thrived upon - wars, economic upheavals, poverty, a frenetic consumer

society, increasingly advanced technology - made the implementation of the draft programme of action and the revision of the Convention still more urgent.

77. IAF urged the General Assembly to designate 2 December, the anniversary of the adoption of the 1949 Convention, as the World Day for the Abolition of Slavery in All its Forms. In the past, the Working Group on Contemporary Forms of Slavery of the Commission on Human Rights and the Economic and Social Council had all supported such a recommendation, for the proclamation would effectively inform and mobilize the media, stimulate public debate, initiate a change in attitudes and prod the political will of those in power. It will be particularly fitting if the General Assembly were to officially designate that Day on its fiftieth anniversary.

78. Mr. SCHONVELD (World Organization against Torture (OMCT/SOS-Torture)), speaking under agenda item 16 (a), said that his organization was gravely concerned about the situation facing children in the former Yugoslavia. The United States Ambassador to the United Nations had presented strong evidence the previous day that large numbers of the population had been summarily executed by Serbian troops following the fall of the United Nations safe areas. The victims had been those of what was termed fighting age, and would therefore include many young children. The deaths of those children underlined the immediate need for an optional protocol limiting the age of soldiers to 18. The International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humantarian Law Committed in the Territory of the Former Yugoslavia since 1991 must be given the fullest international support, and the guilty must be brought to trial.

79. In Kosovo, the situation was grave, for the Serbian Government continued a systematic policy of discrimination against the Albanian community. Children had been deliberately targeted, and from 1990 to 1994, at least 18 children had been killed.

80. Another particular concern was the plight of children in Bahrain, where living conditions had been steadily deteriorating and human rights abuses on the part of the Government were on the rise. The Government had chosen to react with extreme brutality to peaceful demonstrations against the lack of democracy and the living conditions. In the first wave of arrests in January 1995, over 2,000 people had been arrested, including many children. Information received led his organization to fear that many of the detained children had been tortured.

81. OMC/SOS-Torture had at the latest session of the Commission on Human Rights highlighted the consequences for street children of the economic crisis in Mexico. With 800,000 people out of work, the number of children forced out into the streets remained incalculable, and the ripple effect on the rest of Latin America would increase their numbers. During the 1960s and 1970s, a great many Governments had followed equally unwise policies. Currently, the problem of street children was overwhelming.

82. Harsh programmes of adjustment might produce statistics to please international markets, but long-term costs were usually not considered. If Governments did not recognize the human rights arguments, at least they must

recognize the enormous economic cost in terms of crime and the resulting investment in law and order, and the many other indirect costs. Small economic outlays and a change in perspective could bring massive economic benefit in the long term. Anti-social behaviour committed by minors, no matter what the social causes, was too often perceived as a pathological problem. The legal systems of many Latin American countries reflected that unthinking approach, even while those same countries ratified the diametrically opposed Convention on the Rights of the Child. Existing legislation could only serve to perpetuate populist and discriminatory views of street children, and encourage violence against them. The domestic media must begin to assume their clear responsibility to speak out on the issue.

83. In Peru, again, violence was the weapon of choice. The Government meted out increasingly heavy punishment on children, especially those drafted to distribute political leaflets. In June 1995, an amnesty act had been adopted in Peru, extending amnesty to all State officials who had been charged, tried or convicted of human rights abuses committed between May 1980 and the date of the legislation. The law would close the books on all outstanding cases, and those who had committed the gravest crimes against children would go free. Thus, in Peru, children were punished for situations over which they had no control but those who had killed, raped and tortured children would remain unpunished. He urged the Sub-Commission to take action.

84. Mr. FARHAD (International Committee for European Security and Cooperation), reading a statement on behalf of Mr. Hadi Baghistani, an Iraqi Kurd who had found temporary refuge in Germany, described the recent death of Mr. Baghistani's wife Gülnaz, an activist, when forced by Berlin police to abandon her hunger strike against the treatment of Kurds by Turkey. Speaking under item 16, Mr. Baghistani referred to the geographical region of Kurdistan, comprising eastern Turkey and the Mosul Vilayet, a key area for future regional peace, stability and prosperity, and proceeded to make suggestions for the reconciliation of the peoples living in that non-pacified area of the former Ottoman Empire.

85. The CHAIRMAN requested the speaker to confine himself to issues germane to the agenda items under discussion.

86. Mr. FARHAD (International Committee for European Security and Cooperation), continuing Mr. Baghistani's statement, outlined the aims of the Gülnaz Baghistani Foundation. He also read out some recommendations for a draft Turkish-Kurdish pact. He invited the Sub-Commission to encourage the parties to the Turkish-Kurdish conflict to draw on those recommendations so as to bring about reconciliation among the people in all parts of Kurdistan so that they could live in security, mutual respect and dignity.

87. Mr. Hakim took the Chair.

88. Mr. YIMER, speaking on a point of order, said that it was intolerable that non-governmental organizations should abuse their privilege and speak on items other than the ones under consideration. They could not be allowed to speak on item 6 under the guise of other items.

89. The CHAIRMAN confirmed that, only items 15 and 16 were to be addressed at the meeting.

90. Mrs. PAK Song Ok (International Association of Democratic Lawyers), speaking on item 15, said that half a century earlier Japan had committed the atrocity of forcibly drafting over 200,000 women, including Koreans, as sex slaves for its army, and then killing most of them. The highly disappointing statement by the representative of the Japanese Government the previous day, on the fiftieth anniversary of Japan's defeat in the Second World War, showed that Japan was still shirking official responsibility for that crime. Under increasing pressure, the Japanese Government had in Auguat 1994 sought to address the issue of the "comfort women" by proposing to establish an Asian Peace and Friendship Fund, which would be a civilian fund. The Japanese representative had just referred to that as a signifciant step, even though that proposal had from the start been rejected by the international community and in particular by the victims and their bereaved families. An international seminar held in Tokyo in July 1995 by the International Commission of Jurists on wartime slavery had urged the Japanese Government to produce all materials relating to the "comfort women", and had objected to the establishment of the civilian fund, and similar stands had been taken by other Asian countries whose nationals had been victims. Organizations such as the Committee on Measures for Compensation to the Former Korean "Comfort Women for the Japanese Army" and the Pacific War Victims, of the Democratic People's Republic of Korea, had also denounced the injustice of the refusal of official compensation for the Government's past crimes. As was clear from the Japanese representative's statement, such a fund constituted neither recognition of State responsibility nor government compensation. Regretting that the Sub-Commission had failed to put a brake on the establishment of the fund, she urged it to reject the fund and take a binding measure for an appropriate solution of the issue of the "comfort women" on the basis of reports submitted by the special rapporteurs concerned with women's issues.

91. Ms. KELLER (International League for Human Rights), speaking on agenda item 16 (a), said that unaccompanied children were the most vulnerable of a war's victims. While orphans were the most obvious group, many other children under 18 had been separated from living parents, guardians or others responsible for their care. As a group, they required special consideration but were more often than not overlooked. With war a part of everyday life for one child in 200, the plight of the lost children must be addressed.

92. Agencies such as the International Committee of the Red Cross and the Office of the United Nations High Commissioner for Refugees had already begun taking preventive steps and facilitating the family-tracing efforts that followed once a conflict had subsided. Aid agencies should, however, be careful not to provide services, such as educational facilities, to orphans and separated children which were not made available to accompanied children; otherwise, parents might be prompted to separate voluntarily from their children in order to ensure them greater care.

93. During evacuations, every attempt must be made to save children along with their parents or guardians. It was a fundamental principle of international humanitarian law that the family relationship was the integral component in a child's emotional development, making the preservation of the

family a primary goal. Agencies should document all children whom they evacuated separately in the confusion of an ongoing conflict in sufficient detail to allow subsequent tracing by their families. Refugee camps should have an organized identification and registration system for all unaccompanied children to guard against permanent separation.

94. Procedures, solutions and care arrangements must take the child's view into account when determining his future, as prescribed by article 12 of the Convention on the Rights of the Child, even if the child was not sufficiently mature to make an independent judgement.

95. World pressure must be brought to bear against armed groups that used child soldiers, and world leaders should openly condemn armies that conscripted young people and used children as porters, couriers and mine sweepers. The international community must also speak out against the rape of young girls by military personnel. Unaccompanied children were especially vulnerable to such outrages.

96. The Sub-Commission was urged to continue its efforts to ensure the survival and dignity of all children and to encourage a recognition of the particular vulnerability of unaccompanied minors to abuse and neglect, and their greater risk of physical and psychological harm.

97. Mr. WILBORN (International Commission of Jurists) said that his organization wished to emphasize the fact that States should directly and fully compensate victims of slavery or slavery-like practices, including in particular the so-called "comfort women" forced into sexual slavery by the Japanese Imperial Army during the Second World War. The plight of those women had been highlighted in a report published by the ICJ in 1994 and entitled Comfort Women: An Unfinished Ordeal. The report recorded the testimony of the victims and concluded that up to 200,000 women and girls from countries throughout Asia had been forced by the Japanese Army into sexual slavery. Those women and girls had been repeatedly raped, beaten and tortured, and many had died as a result of ill treatment. The report also showed that the victims' suffering had not ended after the war. Many had lived and died without ever speaking of their ordeal, suffering the pain of the past in the present alone and isolated. Only recently had the nature and extent of sexual slavery during the Second World War become known, allowing the first steps to be taken towards reparation and prevention.

98. In September 1994, in response to the work of the ICJ and other international pressure, the Japanese Government had launched the Murayama Plan to address the matter. The plan comprised two separate initiatives. Firstly, under the Peace, Friendship and Exchange Initiative, the Japanese Government provided funds for overseas development aid. Secondly, the plan established a non-governmental Asian Peace and Friendship Fund for Women, whose purpose was to raise funds from public contributions to compensate the victims of sexual slavery.

99. While the efforts made so far by the Japanese Government were a welcome sign of recognition that sexual slavery had existed during the Second World War, they were far from adequate in themselves. Japan had so far failed to acknowledge its legal obligations to provide direct and full reparation to

the victims. The crucial question before the Sub-Commission was what needed to be done to provide adequate redress for past wrongs. To answer that question, the ICJ had held a Seminar on Sexual Slavery and Slavery-like Practices in World War II in July 1995 in Tokyo. The seminar had brought together victims, legal experts, academics and non-governmental organizations to consider both the factual and legal aspects of the problem and to come to a better understanding of past events and ways of preventing recurrences. The participants had concluded that the measures taken thus far by the Japanese Government did not render justice, and that, despite the Government's contention that its responsibility was moral more than legal, Japan was under a legal obligation to provide full and direct compensation to its former victims. That obligation was stated very clearly in the proposed basic principles and guidelines on the right to restitution, compensation and rehabilitation for victims of gross violations of human rights (E/CN.4/Sub.2/1993/8), currently before the Sub-Commission. The ICJ strongly supported the important work done by the Special Rapporteur, Mr. van Boven, who had participated in the ICJ seminar.

100. The ICJ wished to reiterate three specific conclusions of the seminar concerning the measures needed to aid the former comfort women. Firstly, Japan should disclose all the information in its possession concerning the operation and maintenance of the so-called "comfort stations". Secondly, it should enact appropriate legislation to allow for the expeditious payment of compensation to former comfort women. Thirdly, as a purely interim measure and without prejudice to its rights and contentions, the Japanese Government should pay the sum of US$ 40,000 for the rehabilitation of each woman who had come forward.

101. The ICJ also wished to take the opportunity of stressing the importance of the Sub-Commission's work on the issue of slavery and slavery-like practices, and to commend the report of the Working Group on Contemporary Forms of Slavery (E/CN.4/Sub.2/1995/28). It also welcomed the working paper produced by Mrs. Chavez on the situation of systematic rape, sexual slavery and slavery-like practices during wartime, including internal armed conflict (E/CN.4/Sub.2/1995/38), which might form the basis of a deeper study aimed at preventing future recurrences of wartime rape and sexual slavery.

102. Mr. PERARD (International Human Rights Association of American Minorities), speaking on agenda item 15, said that the forced labour and racial segregation endured by up to 500,000 sugar cane cutters in the Dominican Republic was a form of slavery no less odious than the kind which kept people in shackles. The workers concerned, who were mostly Haitian or of Haitian origin, worked and lived in the most wretched conditions imaginable. They and their families lived in small overcrowded shacks, without sanitation or basic amenities, on huge plantations attached to sugar refineries. Sixty per cent of the sugar industry, which was the most important in the country after tourism, was administered by the Consejo Estatal Azúcar (State Sugar Board). For a seven day week, often working 12 hours a day, the cutters were paid just enough to keep them alive. Since they were constantly in debt for the food they purchased, they were obliged to continue working for the concern.

103. New recruits normally arrived after a dangerous and uncomfortable journey in cattle trucks rather like land versions of the old slaveships. One such truck had crashed one night in January 1989 near to Villa Altagracia, killing the 50 passengers who had been destined for the plantations. Children as young as eight years of age were also abducted to work on the plantations by traffickers working in connivance with the Dominican Army. Typically, children would be lured away by the promise of easy and well paid work before being taken to Dominica and eventually handed over to one of the plantations. That was despite the enactment of Government Decree 417-90 of 15 October 1990, which prohibited the employment of children below the age of 14 and set out rules governing the employment of those between 14 and 15 years of age. Although the Government had ratified the Convention on the Rights of the Child in January 1995, there was as yet no evidence that it was being implemented.

104. The situation of the women employed on the plantations was particularly difficult. They were paid less than men and suffered violence at the hand of the cutters and Dominican overseers. Many were forced into prostitution to survive and teenage pregnancies were common. Pregnant women had no right to ante-natal or post-natal care. The mortality rate among mothers and children was high, and widows and their children were left to fend for themselves.

105. Workers were denied any freedom of movement. Identity papers were confiscated when workers were recruited, and workers found outside the plantation were likely to be arrested. The military carried out regular checks on public buses and detained anyone suspected of being Haitian who had no valid immigration document, before returning them to the plantation or simply selling them to the highest bidder. Most of the Dominican foremen in the plantations were armed, and workers were routinely subjected to physical violence, arbitrary imprisonment, robbery, harassment, and sexual abuse.

106. In conclusion, he called upon the Working Group on Contemporary Forms of Slavery, in the words of a popular song, "to hear the laments of those who suffer, the unfortunates asking you for the salt of life, the salt which will rouse the living dead from their sleep".

107. Mr. Maxim resumed the Chair

108. Ms. SPALDING (African Health and Human Rights Promoters Commission), speaking on agenda item 16 (b), recalled the announcement just over 40 years ago of the world's first safe and effective polio vaccine. Its inventor Jonas Salk had overcome the ridicule of fellow scientists and obstruction by world bodies to give humanity a potent weapon against the terrifying disease. By 1961 the Salk vaccine had reduced the incidence of polio by as much as 95 per cent in some areas, and in 1994 the World Health Organization had been able to declare that polio had been eradicated in the western hemisphere. However, it was still on the increase in other parts of the world owing to a lack of will to make available either the Salk or the Sabin vaccine.

109. Dr. Salk had refused to profit from his vaccine, believing that it was no more possible to patent the vaccine than to patent the sun, and had earned the honour and gratitude of everyone in the world fortunate enough to enjoy good health. In 1993, while working on another controversial vaccine and treatment for HIV/AIDS, he had remarked that there was no such thing as failure and that

one could only fail by stopping too soon. Preliminary testing on the vaccine suggested that it had outstanding potential, and the United States Food and Drug Administration had recently approved large-scale clinical trials. She recalled a meeting with Salk at his institute in La Jolla in which she had urged him to make his vaccine available in the regions of Asia and the Indian Subcontinent, Russia and Africa where it was most needed. The driving force in his life had always been the desire to liberate people from fear, believing, like Franklin Roosevelt, that there was nothing to fear but fear itself. Salk had died on 24 June 1995, but his spirit would remain alive as long as people refused to give into fear and give up.

110. Mr. CHANG (African Health and Human Rights Promoters Commission), speaking on items 15 and 16 (a), said that, as an American high-school student, he was fortunate in being able to take for granted such things as the right to an education, freedom of speech and freedom of movement. Many young people throughout the world were less fortunate, notably those obliged to work as prostitutes for tourists. In south-east Asian countries, for example, child prostitutes were widely available and according to one UNICEF study, one particular beach resort alone had 10,000 boy prostitutes below the age of 16 surviving on subsistence wages. Certain traditional practices also entailed child prostitution. In the Devadasi system, for example, children were dedicated to a goddess before being sold to bidders for the purpose of sex.

111. Another issue of concern was that of child bondage and debt bondage particularly in certain African nations, where abuse of domestic child servants was widespread. According to the World Association for Orphans and Abandoned Children, the vast majority of the children involved were girls, half of whom were below 14 years of age, the minimum legal age for employment specified by the ILO Minimum Age Convention, 1973 (No. 138). Many suffered physical, mental and sexual abuse at the hands of their employers. One particular example was the so-called Trokosi system, in which girls were dedicated to a shrine to atone for sins committed by the male members of their household and then forced to do domestic work. A related problem found in some African countries was child slavery. For example, children from the Peul tribe were kidnapped by Arabs living in the northern part of Africa to be raised as slaves. The children were prevented from learning their language and culture, and were drugged to stop them escaping.

112. Serious violations of the rights of women and children were also being perpetrated in Bosnia and Herzegovina. At Kod Sonje, to cite one example, two girls aged 7 and 13 had been raped in front of their mother by 20 men in a restaurant which had been converted into a torture house. The girls had died as a result. Religious places such as mosques were often used as centres for similar crimes, which were often committed by neighbours and classmates of the victims.

113. Given the prevalence of child prostitution, child labour or debt bondage, slavery and child sexual abuse, one could not fail to be appalled by the atrocities committed against children. Every child forced into prostitution or child labour meant an irreparable loss to society - one less potential doctor or scientist, one less responsible citizen. Denying a child the right to adequate education meant depriving that child of the foundation needed for a successful life. Ultimately, that would lead to the gradual erosion of

educational standards, with low literacy rates and a high proportion of children failing to complete even primary education. Unless something was done now to solve those problems, the future looked bleak not only for the developing countries affected but for the rest of the world. Were the people of the world willing to take such a risk?

114. Ms. Kwong HYANGSUK (Liberation), speaking also on behalf of Kyoseirenko Chosadan on item 15, commended the working paper produced by Mrs. Chavez (E/CN.4/Sub.2/1995/38) and said that she wished to submit some recent information on war crimes committed by Japan during the Second World War. After the war, Japan's war criminals had been tried by the International Military Tribunal and other courts representing allied countries. Thirty-four people had been prosecuted on charges of forcing women into prostitution, while in the Hanaoka case, six people had been convicted of violating the laws and customs of war and of crimes against humanity. Japan had accepted the judgements of the International Military Tribunal for the Far East and had accepted the Treaty of San Francisco of 1952. However, the Japanese authorities had attempted to conceal materials and documents relating to its war crimes. During the last two weeks of August 1945, many such materials had been destroyed and the Japanese Foreign Ministry had made false reports to the allied forces. Only recently had the Japanese Ministry of Labour admitted the existence in its archives of lists of forced labourers, and still refused to grant public access to them. The Ministry of Welfare and the Social Insurance Agency had diverted the unpaid wages of forced labourers and money deducted ostensibly to pay tax and pension contributions into the National Treasury where it remained to the present day. While continuing to cover up its war crimes and refusing to atone for them, Japan had succeeded in concluding a number of bilateral and multilateral agreements with neighbouring countries including the Republic of Korea.

115. Even today, the Japanese Government maintained that its colonial rule of Korea and its forced labour and prostitution programmes had been lawful. In fact, Japan's rule over Korea had been based on a 1905 treaty which the Korean Government had been forced to sign under duress and which had subsequently been shown to be illegal by international organizations including the International Law Commission in its 1963 report. Japan had accepted the Potsdam Declaration, which had spoken of Japan's enslavement of Korea. Despite that, and the International Law Commission's 1980 draft Articles on State Responsibility, the Japanese authorities continued to deny their responsibility. Unlike Germany, Japan had never taken the initiative to put its own war criminals on trial, and had claimed that such trials were now impossible because of the statute of limitations. The authorities had done no more than institute a controversial private fund to pay compensation to the surviving "comfort women".

116. Liberation called on the appropriate thematic special rapporteurs to demand that the Japanese Government should make available all materials and documents concerning its war crimes. It also called on the International Law Commission to include in its draft Articles on State Responsibility provisions for sanctions against States which commit "international crimes", in addition to provisions for the rehabilitation and compensation of victims.

117. Ms. SCHREIBER (International Movement Against All Forms of Discrimination and Racism (IMADR)), speaking on agenda item 15, said that her organization fully agreed with the view expressed by the observer for Senegal that the current situation represented the failure of everything done by the international community, which had adopted legal instruments but had so far not been able to implement them. That had been the case with the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. On the other hand, she was grateful for the positive efforts made by the Working Group on Contemporary Forms of Slavery to persuade States to ratify and implement the Convention. Whatever encouragement might be given to Governments to end such practices, the Convention needed to be given some formal legal force and suitable mechanisms had to be established for implementation, comparable to those which existed for other United Nations conventions.

118. Another major preoccupation of her organization had been the huge increase in the migration of Asian women workers to Japan and Europe since 1985 and the emergence on a global scale of trafficking and prostitution involving women and children. Many women suffered multiple discrimination, as members of a minority group, as women, as prostitutes or migrant workers, or on the grounds of their social and cultural origin. IMADR had therefore decided to undertake a project against trafficking in women in Asia, paying particular attention to such multiple discrimination. It would be organizing a workshop against trafficking in women in Asia on the occasion of the fourth World Conference on Women. That workshop would review the problems affecting women in both donor and host countries and would consider appropriate action and recommendations to be made to Governments in the affected regions. IMADR would be maintaining close contact with the participants of the workshop with a view to implementing its recommendations once the conference was over. It would also be preparing a set of handbooks for the non-governmental organizations and government officials, and wished to develop a system of reporting to the relevant United Nations forums on trafficking, in which the emphasis would be placed on the decriminalization of victims.

119. IMADR also wished to reiterate its concern regarding the treatment of the Korean women forced into sexual servitude by the Japanese Armed Forces during the Second World War. It supported the demands of the victims for individual compensation and for formal apologies for their suffering and dishonour, and called for full public disclosure of the policies and practices which had led to such violations of women's rights.

120. Ms. PARKER (International Educational Development, Inc.), speaking on agenda item 15, said that her organization welcomed the commitment of the Working Group on Contemporary Forms of Slavery to address the issue of victims of rape at the hands of Japanese soldiers during the Second World War, and endorsed the Working Group's recommendation that the Government of Japan should provide full and direct compensation to the victims. It also urged the Government to issue a formal apology and provide compensation for its former forced labourers, most of whom were Korean, who had lived and worked under the most terrible conditions.

121. Slave porterage in Myanmar was a contemporary issue of great concern to her organization. Men, women and children, mainly from ethnic minorities,

were forced to work on roads, railways and other construction projects and to carry military equipment for the armed forces of the State Law and Order Restoration Council (SLORC). It was a cruel irony that people were forced to carry the very weapons which the regime used against them in battle. Slave porters received minimal food and were often worked to the point of death. Many suffered permanent disability as a result of the prolonged physical toil, abuse, and grossly inadequate diets.

122. The Karen and Karenni peoples were among those required by SLORC to provide labourers. In one incident, according to testimony taken on 6 June 1995 from a victim, the armed forces had demanded one person from each house and had threatened to burn down the village if their demands were not met. The witness had spoken of being severely beaten and being forced to carry heavy loads without being given any food. Villagers could avoid porterage duty only by paying about 2,500 kyat, a huge sum for village peasants.

123. Since June 1995, the Karenni people had been the target of renewed military action. There had been a wave of abductions for slave portering as well as the collection of portering fees, in spite of a cease-fire agreement signed on 21 March 1995 between the Karenni National Progressive Party (KNPP) and SLORC. International Educational Development, Inc. had provided the Commission's Special Rapporteur on Burma with information on the current crisis. His excellent reports had highlighted the widespread use of slave porterage and the latest report (E/CN.4/1995/65) had cited the finding of the International Labour Organization of 7 November 1994 that the use of slave porterage violated the Forced Labour Convention, 1930 (No. 29). The Sub-Commission could make a useful contribution by condemning the SLORC regime for their practice of wartime slavery, which also violated the Geneva Convention Relative to the Protection of Civilian Persons in Time of War (1949) and all the relevant standards of humanitarian law. The Sub-Commission needed to be especially harsh in its condemnation because slavery was identified in article 147 of the Geneva Convention on the Protection of Civilian Persons in Time of War as a war crime.

124. Ms. GOTTLICHER (International Educational Development, Inc.), speaking on agenda item 16 (a), said that the suffering caused to children was the most tragic consequence of war. In the territory of the former Yugoslavia, children were still being killed in military operations, or suffered mental and physical injury. Many others were suffering extreme hunger. According to some estimates, 14,000 children had died in Sarajevo alone, while the war in Croatia had probably claimed more than 250 child victims. Many children in the areas affected by the conflict had already been permanently disabled, and the number would rise as a result of land mines, three million of which were thought to have been laid in Croatia alone.

125. The breakdown of family structures resulting from the conflicts had resulted in severe psychological problems among children. Many thousands of children had lost one or both parents and been forced to assume adult responsibilities. Many others had been taken with their parents to camps and thus become prisoners of war. Those in Serbian camps were not registered by the International Committee of the Red Cross and it was feared that many of those might have been executed. According to some eye witness reports, many

of the 7,000 or more prisoners captured during recent military operations in Srebrenica and Zepa had been boys between the ages of 14 and 17. Most of those prisoners had been executed in the outskirts of town.

126. In Bosnia, virtually no schooling was now available to children. In Croatia, rehabilitation facilities for children with disabilities had been destroyed, along with numerous children's health centres, children's hospitals and other health care facilities.

127. International Educational Development, Inc. hoped that the new procedures for human rights and disability would provide a useful means for addressing the tragic situation of child war victims. It wished to encourage the Sub-Commission to continue its review of children and youth in order to develop an information base for use by aid providers and international planners, and to urge all States to ratify and enforce the Convention on the Rights of the Child.

The meeting rose at 1 p.m.